APPROVED FOR RELEASE 2025 UNDER EXECUTIVE ORDER 14176

From the Desk of Guyron C. Watts
Office of General Counsel/Litigation Division

NOTE FOR: Valerie O. Patterson@DCI
FROM: Guyron C. Watts
OFFICE: OGC/LD
DATE: 12/03/98 03:56:20 PM
SUBJECT: Polygraph re: MLK Assassination

This is in reference to Bob's lotus note regarding a call he received from DoJ attorney, Barry Kawalski, who is investigating the Martin Luther King Jr. assassination. Barry called to clarify the results of the polygraph and to request that CIA take no action against Merrell McCollough. I accompanied Merrell to the polygraph and therefore, Bob suggested that I provide you with a summary- to put the polygraph results in perspective.

Merrell an overt CIA employee (who was also an undercover police officer that witnessed the assassination) was given a polygraph to rebut allegations that he and other police officers plotted to kill Dr. King. The allegations stem from several authors that subscribe to a "conspiracy theory" to explain the assassination. In a previous interview, DoJ asked Merrell to submit to a polygraph for purposes of disproving the "conspiracy theories". Merrell agreed to the polygraph and I checked with Paul Morris to ensure that OPS was also comfortable with the test. It was prearranged that Merrell would provide a statement, denying any involvement in the assassination, and Secret Service issue a polygraph based on his statement.

During the polygraph, I along with the DoJ attorney sat in the observation room which enabled me to see and hear the entire interview. The polygraphers (sometimes two) were extremely confrontational, making the session more of an interrogation instead of an interview. Merrell was told that if he had anything to do with the assassination that it would be exposed during his polygraph. The polygrapher wanted to read Merrell his rights, but the DoJ attorney informed him that it was not necessary. The polygraph lasted 5 1/2 hours in which time Merrell was given only one five minute break. At one point in the interview, additional charts were made because Merrell's heart was not filling with blood before contracting, which skewed the results. The DoJ attorney and I were told that this condition occurs when interviewees become tired and stressed. The session ended around 1930, when Merrell stated that he had told the truth and further testing would be fruitless.

In the final analysis, the DoJ attorney and I believe that Merrell was not involved in a plot to assassinate Dr. King. In my opinion, the techniques used by Secret Service in administering the polygraph contributed to the inconclusive result of the test. Merrell is on TDY to Africa until the beginning of January.

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Sent on 3 December 1998 at 03:56:20 PM